

PATENT APPLICATION  
CM01523L D01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                               |                         |
|-------------------------------|-------------------------|
| Appl. No. : 10/ 687,943       | Confirmation No. : 9908 |
| Applicant : Muthuswamy et al. | TC/ A.U. : 1746         |
| Filed : 17 October 2003       | Examiner : J. Crepeau   |
| Docket No. : CM01523L D01     | Customer No. : 29906    |

For: FUEL CELL USING VARIABLE POROSITY GAS DIFFUSION MATERIAL

## CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

on 13 Jan 06 Signature   
William E. Koch

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION (Under 37 CFR 1.321(c))

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your petitioner, Motorola, Inc., a Corporation of the State of Delaware, having a principal place of business at 1303 East Algonquin Road in the County of Cook and State of Illinois, represents that it is the assignee of the entire interest (assignment recordation date 31 October 2001, reel 012338, frame 0859) of the United States Patent Application Serial No. 10/ 687,943, filed on the 17th day of October 2003 for FUEL CELL USING VARIABLE POROSITY GAS DIFFUSION MATERIAL. Your petitioner, Motorola, Inc., hereby disclaims except as provided below the terminal part of any patent granted on the above identified application, which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 USC §154 and §156 as presently shortened by any terminal disclaimer of Patent Numbers

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6,743,543 and 6,699,611 and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to Patent Numbers 6,743,543 and 6,699,611, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U. S. C. §§154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C. F. R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of a corporation, the undersigned (whose title is supplied below) is empowered to act on behalf of the corporation.

The pertinent evidentiary documents have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Please charge the amount as stated in ¶1.20(d) by other than a small entity, which at the time of this filing is believed to be \$130, to Deposit Account No. 502117.

MOTOROLA, INC.

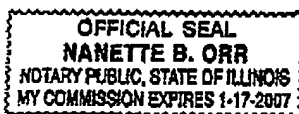
By: [Signature]  
Name: Jonathan P. Meyer  
Title: Senior Vice President

STATE OF ILLINOIS

COUNTY OF COOK

Subscribed and sworn to (or affirmed) before me, Nanette B. Orr  
a Notary Public in and for the County and State aforesaid, by Jonathan P. Meyer  
He is personally known to me. I do hereby certify that he appeared before me this day  
in person and acknowledged that he signed, sealed and delivered said instrument as his  
free and voluntary act and deed for the uses and purposes herein set forth.

Given under my hand and notarial seal this 12th day of January  
2006

[Signature]

Notary Public

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